UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _24 May 2005_ .

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1 and 3-49_ is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1,3-6 and 8-49_ is/are rejected.

7) ☒ Claim(s) _7_ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _09 March 2000_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

  If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a) ☐ All b) ☐ Some * c) ☐ None of:

    1. ☐ Certified copies of the priority documents have been received.

    2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

  a) ☐ The translation of the foreign language provisional application has been received.

15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

Response to Amendment

1.   Applicant's amendment filed 24 May 2005 amends claims 1 and 16. Applicant's

amendment has been fully considered and is entered

        The finality of the Office Action mailed 24 February 2005 is withdrawn, and prosecution

is hereby re-opened.

Response to Arguments

2.   Applicant's arguments, filed 24 May 2005, with respect to the Hurley reference have

been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

However, upon further consideration, a new ground(s) of rejection is made in view of Cooper,

U.S. Patent No. 5,598,470.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

4.   Claims 6, 28, 44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention.

5.   Claim 6 depends from claim, which has been cancelled. For the purpose of examination,

claim 6 will be treated as being dependent from claim 1.

6.   Claim 28 recites the limitation "said first software version" in line 31. There is

insufficient antecedent basis for this limitation in the claim.

7.   Claim 44 recites the limitation "said first software version" in line 17. There is

insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

8.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9.   Claims 1, 6, 8-29, 48 are rejected under 35 U.S.C. 102(b) as being anticipated by Cooper,

U.S. Patent No. 5,598,470. Referring to claim 1, Cooper discloses a method for enabling trial use

of software products wherein complete programs are distributed to potential users on computer-

accessible memory media (Col. 8, lines 16-18), which meets the limitation of acquiring a first

software package comprising a first object, said first object a full-featured version of at least one

software product. The programs are encrypted so that only upon purchasing can the complete

program be utilized (Col. 9, lines 60-61 & Col. 10, lines 32-39), which meets the limitation of

said user is denied access to said first object. The program is encrypted so that trial use of the

program can be provided (Col. 7, lines 2-5 & Col. 8, lines 50-52), which meets the limitation of a

second object. The trial use program is functionally disabled so that the user is unable to perform

certain critical features (Col. 12, lines 11-13), which meets the limitation of said second object a

further version of said software product having some, but less than all, of the features of said first

object. A file management program, also on the computer-accessible memory media (Col. 10,

lines 3-5), controls the use of the encrypted software programs (Col. 8, lines 27-62), which meets

the limitation of an access and control portion, said access and control portion affording selective

access to any of said first and second objects, wherein said access and control portion includes

usage authorization information. The file management program also provides a plurality of

interface screens which facilitate interaction between the vendor and the customer (Col. 10, lines

5-11) allowing the user to purchase the software (Col. 10, lines 32-39 & Figures 8-10b), which

meets the limitation of a notifier providing information required by said user for purchasing

rights to said software product. The limitation of enabling entry of transaction information

required for purchase of said rights is met in Figure 9 in the interface screen showing entry of

credit card information and customer address for shipping. The trial version program is

functionally disabled by not allowing access to critical functions, but access to this trial version

is not restricted (Col. 12, lines 11-14). The user accesses the trial program to determine whether

they would like to purchase access to the complete version (Col. 10, lines 30-39), which meets

the limitation of evaluating said second object whereby said user assesses whether said software

product meets said user's requirements.

Referring to claim 6, Cooper discloses that the software programs are encrypted (Col. 9,

lines 60-61), which meets the limitation of said first object is encrypted, whereby said user is

prevented from accessing and using said first object until said prospective user executes a

purchase request thereby acquiring a license to at least some of the rights to said software

products. Machine identification information is also maintained within the file management

program in an encrypted form (Col. 14, lines 59-61), which meets the limitation of usage

authorization information being encrypted.

Referring to claim 8, Cooper discloses that the machine identification information is also

maintained within the file management program in encrypted form (Col. 14, lines 59-61), which

meets the limitation of said usage authorization information specifies an authorized user for said

software product subsequent to purchase. The file management program provides a plurality of

screen interfaces (Figures 8-11) that allow the user to purchase the software (Col. 13, lines 9-17).

The screens provide software description information and price (Figure 8), along with access key

information (Figure 10A & 10B), which meets the limitation of content of levels, where said

software is purchased in succeeding levels, and prices for said levels. Prior to purchase, trial

software is provided in a functionally disabled form that limits functionality (Col. 12, lines 11-

13), or that limits the amount of time the software can be used or the number of times the

software can be used (Col. 12, lines 14-32), which meets the limitation of authorized extent of

use, where said extent of use comprises any of duration of use and number of uses, and prices for

said authorized extent of use.

Referring to claim 9, Cooper discloses that the software programs are executable objects

(Col. 16, lines 16-19).

Referring to claim 10, Cooper discloses that the software program could be an application

program such as Lotus for Windows (Figure 8).

Referring to claim 11, Cooper discloses that the software contains multiple data objects

(Figure 26).

Referring to claim 12, Cooper discloses that the software program could be an application

program such as Lotus for Windows (Figure 8), which provides a graphical user interface that

meets the limitation of said data objects comprising digital images.

Referring to claim 13, Cooper disclose that the software contains a trial version and full

version (Col. 10, lines 30-39 & Col. 12, lines 11-32), which meets the limitation of said levels

comprise versions of said executable objects having more features enabled then a version in a preceding increment.

Referring to claim 14, Cooper discloses that critical functions of the software are missing in the trial version (Col. 12, lines 11-14), which meets the limitation of said increments comprise additional objects over those in a preceding increment.

Referring to claim 15, Cooper discloses that critical functions of the software are missing in the trial version (Col. 12, lines 11-14), which meets the limitation of said increments comprise additional objects over those in a preceding increment.

Referring to claim 16, Cooper discloses that the file management program is an executable program (Col. 13, line 16), which meets the limitation of said notifier comprises an executable code section.

Referring to claim 17, Cooper discloses that when the encrypted software program is called for processing by the user control data processing system the program is fetched (Col. 16, lines 16-19), which meets the limitation of loading said software package into the memory of said user's computer system. The file management program allows for permanent keys to purchased according to a license agreement (Col. 21, lines 10-31), which meets the limitation of running a setup routine, wherein said executable code section performs normal setup functions, including displaying a user license, and agreeing to terms of said user license.

Referring to claim 18, Referring to claim 13, Cooper disclose that the software contains a trial version and full version (Col. 10, lines 30-39 & Col. 12, lines 11-32), which meets the limitation of selecting one or more use options from a listing of said use options available, said available options being those objects available free or charge or those previously purchased by

said user. The use of the trial software and purchase of the full version is controlled by the file

management program (Col. 10, lines 3-39 & Col. 12, lines 11-32), which meets the limitation of

said listing being provided by said executable code section accessing said usage authorization

information, and wherein one or more of said available objects are retrieved by said executable

code section and loaded into memory, and executing said requested use.

Referring to claim 19, Cooper discloses that the file management program provides the

means for purchase of the full version (Col. 10, lines 30-39), which meets the limitation of

purchasing any of said software product in entirety and one or more parts thereof.

Referring to claim 20, Cooper discloses that the file management program provides the

means for purchase of the full version (Col. 10, lines 30-39) by providing an interface screen for

user input of the desired full version software (Figure 8), user name, address, and credit card

information (Figure 9), which meets the limitation of providing user information, optionally,

electing usage levels and desired features, providing payment information. The information from

the interface screen can be emailed to the software provider (Col. 9, lines 17-18), which meets

the limitation of transmitting a purchase request to a server, said purchase request comprising

said payment information and said desired usage information.

Referring to claim 21, Cooper discloses that the file management program provides the

means for purchase of the full version (Col. 10, lines 30-39) by providing an interface screen for

user input of the desired full version software (Figure 8), user name, address, and credit card

information (Figure 9), which meets the limitation of said payment information comprises credit

card information and contact information for said prospective purchaser.

Referring to claim 22, Cooper discloses that a machine identification code is generated

based on the unique attributes of the user's computer (Col. 13, lines 3340 & Col. 14, lines 28-34)

and is transmitted to the vendor (Figure 10A), which meets the limitation of selected information

characteristic of said user's computer system is transmitted to said server after said purchase

request is received by said server.

Referring to claim 23, Cooper discloses that the unique attributes of the system are the

hard disk serial number, size of the hard disk, system model number, hardware interface cards,

hardware serial number (Col. 14, lines 28-33), which meets the limitation of said selected

information includes serial numbers from any of a hard disk drive, network interface card, and a

mother board from said user's computer.

Referring to claim 24, Cooper discloses that the computer accessible memory media that

carries the software, contains a media identification (Col. 11, lines 5-7), which meets the

limitation of said selected information includes an identification code identifying a particular

storage medium on which said software package was distributed.

Referring to claim 25, Cooper discloses that the vendor distributes a permanent key to the

user upon purchase of the software (Col. 10, lines 32-39), which meets the limitation of said

server transmits an access control code to said user's computer after said purchase request is

successfully processed. This permanent real key is generated using the machine identification

information so that the software can only be utilized by the data processing system having a

configuration identical to that from which the machine identification has been derived (Col. 15,

lines 29-34), which meets the limitation of said access control code based on said selected

information characteristic of said user's computer, and wherein said access control code is separately stored on said user's computer from said software package.

Referring to claim 26, Cooper discloses that this permanent real key is generated using the machine identification information so that the software can only be utilized by the data processing system having a configuration identical to that from which the machine identification has been derived (Col. 15, lines 29-34), which meets the limitation of said access control code is a decryption key for said encrypted first object, said decryption key based on said selected information, and wherein both said decryption key and said selected information must be present on said user's computer in order to decrypt said first object.

Referring to claim 27, Cooper discloses that the permanent real key is generated using the machine identification information that is generated on the user computer (Col. 13, lines 34-42) and a product key that is generated by the vendor (Col. 15, lines 14-16), which meets the limitation of said decryption key is split into two parts, a second party that is calculated in real time on said user's computer using said selected information and a first part that is calculated on said server.

Referring to claim 28, Cooper discloses that this permanent real key is generated using the machine identification information so that the software can only be utilized by the data processing system having a configuration identical to that from which the machine identification has been derived (Col. 15, lines 29-34), which meets the limitation of said access control code is a decryption executable for said encrypted first object, said decryption executable based on said selected information, and wherein both said decryption executable and said selected information must be present on said user's computer in order to decrypt said first software version.

Referring to claim 29, the claim recites a signature but the specification does not mention "digital signatures" or public/private key signatures. Therefore, it has been determined from the specification that the claimed signature is not a signature as commonly known in the art, but is intended to be something else. For the purposes of examination the claimed signature will be treated as any data that serves to control access to the claimed first object and the media identification in Cooper (Col. 11, lines 5-7) meets that limitation because the media identification would be read by the file management program when access to the protected programs is initiated.

Referring to claim 48, Cooper discloses that the vendor distributes a permanent key to the user upon purchase of the software (Col. 10, lines 32-39). This permanent real key is generated using the machine identification information so that the software can only be utilized by the data processing system having a configuration identical to that from which the machine identification has been derived (Col. 15, lines 29-34), which meets the limitation of said server inserting transaction information in said software product as a watermark because the machine identification information is part of the transaction information and it is utilized as a watermark by having the software configured to run only on the machine identified by that machine identification.

Claim Rejections - 35 USC § 103

10.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11.   The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459

(1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

      1.   Determining the scope and contents of the prior art.

      2.   Ascertaining the differences between the prior art and the claims at issue.

      3.   Resolving the level of ordinary skill in the pertinent art.

      4.   Considering objective evidence present in the application indicating obviousness
             or nonobviousness.

12.   Claims 3-5, 30-44, 49 rejected under 35 U.S.C. 103(a) as being unpatentable over

Cooper, U.S. Patent No. 5,598,470, in view of Hurley, U.S. Patent No. 5,984,508. Referring to

claim 3, Cooper discloses that the software programs can be distributed via computer-accessible

memory media (Col. 8, lines 16-18), which meets the limitation of acquiring said software

package as a software copy on a recordable medium, but does not expressly disclose

transmission over an internet site. Hurley discloses providing software products electronically

over the Internet (Col. 1, lines 16-17), which meets the limitation of acquiring said software

package via data communication from any of an Internet site and a dial-up online service. Once

downloaded the software would be installed on the computer's hard drive (Col. 18-19), which

meets the limitation of saving said software package to a mass storage device in said user's

computer, said mass storage device comprises a hard disk drive. It would have been obvious to

one of ordinary skill in the art at the time the invention was made to distribute the software

packages of Cooper over the Internet in order to avoid distribution of physical mediums as taught

in Hurley (Col. 1, lines 15-16), which is more expensive.

Referring to claim 30, 31, Cooper discloses that the file management program is loaded

from the computer-accessible memory media onto the user's computer system for execution

(Col. 10, lines 3-5), which meets the limitation of said predetermined executable is a driver executable that is installed on said user's computer separately from said software package. Cooper discloses that the software programs can be distributed via computer-accessible memory media (Col. 8, lines 16-18), but does not expressly disclose transmission over an internet site. Hurley discloses providing software products electronically over the Internet (Col. 1, lines 16-17), which meets the limitation of downloading from a server by said user, said notifier comprises means for notifying said prospective user to download said driver executable from said server. Once downloaded the software would be installed on the computer's hard drive (Col. 18-19), which meets the limitation of saving said software package to a mass storage device in said user's computer, said mass storage device comprises a hard disk drive. It would have been obvious to one of ordinary skill in the art at the time the invention was made to distribute the software packages of Cooper over the Internet in order to avoid distribution of physical mediums as taught in Hurley (Col. 1, lines 15-16), which is more expensive.

Referring to claim 32, Cooper discloses that the file management program receives the distributed computer-accessible memory media with encrypted software products and a file management program contained therein. The file management program accesses the configuration information of the user computer and begins the process by which the software is accessed. Cooper does not expressly disclose transmission over an internet site. Hurley discloses providing software products electronically over the Internet (Col. 1, lines 16-17), which meets the limitation of said driver executable reads said signature and recognizes said software package as one containing data objects, wherein said software package requires access control by said driver executable. Once downloaded the software would be installed on the computer's hard

drive (Col. 18-19). It would have been obvious to one of ordinary skill in the art at the time the

invention was made to distribute the software packages of Cooper over the Internet in order to

avoid distribution of physical mediums as taught in Hurley (Col. 1, lines 15-16), which is more

expensive.

Referring to claim 33, Cooper discloses that the generated machine identification is

encrypted (Col. 14, lines 59-61) and would have to be decrypted before being presented to the

user (Figures 10A & 10B), which meets the limitation of said driver executable decrypts said

usage authorization information, whereby said usage authorization is presented to said user.

Referring to claim 34, Referring to claim 13, Cooper disclose that the software contains a

trial version and full version (Col. 10, lines 30-39 & Col. 12, lines 11-32), which meets the

limitation of selecting one or more use options from a listing of said use options available, said

available options being those objects available free or charge or those previously purchased by

said user. The use of the trial software and purchase of the full version is controlled by the file

management program (Col. 10, lines 3-39 & Col. 12, lines 11-32), which meets the limitation of

said listing being provided by said executable code section accessing said usage authorization

information, and wherein one or more of said available objects are retrieved by said executable

code section and loaded into memory, and executing said requested use.

Referring to claim 35, Cooper discloses that the file management program provides the

means for purchase of the full version (Col. 10, lines 30-39), which meets the limitation of

purchasing any of said software product in entirety and one or more parts thereof.

Referring to claim 36, Cooper discloses that the file management program provides the

means for purchase of the full version (Col. 10, lines 30-39) by providing an interface screen for

user input of the desired full version software (Figure 8), user name, address, and credit card

information (Figure 9), which meets the limitation of providing user information, optionally,

electing usage levels and desired features, providing payment information. The information from

the interface screen can be emailed to the software provider (Col. 9, lines 17-18), which meets

the limitation of transmitting a purchase request to a server, said purchase request comprising

said payment information and said desired usage information.

Referring to claim 37, Cooper discloses that the file management program provides the

means for purchase of the full version (Col. 10, lines 30-39) by providing an interface screen for

user input of the desired full version software (Figure 8), user name, address, and credit card

information (Figure 9), which meets the limitation of said payment information comprises credit

card information and contact information for said prospective purchaser.

Referring to claim 38, Cooper discloses that a machine identification code is generated

based on the unique attributes of the user's computer (Col. 13, lines 3340 & Col. 14, lines 28-34)

and is transmitted to the vendor (Figure 10A), which meets the limitation of selected information

characteristic of said user's computer system is transmitted to said server after said purchase

request is received by said server.

Referring to claim 39, Cooper discloses that the unique attributes of the system are the

hard disk serial number, size of the hard disk, system model number, hardware interface cards,

hardware serial number (Col. 14, lines 28-33), which meets the limitation of said selected

information includes serial numbers from any of a hard disk drive, network interface card, and a

mother board from said user's computer.

Referring to claim 40, Cooper discloses that the computer accessible memory media that

carries the software, contains a media identification (Col. 11, lines 5-7), which meets the

limitation of said selected information includes an identification code identifying a particular

storage medium on which said software package was distributed.

Referring to claim 41, Cooper discloses that the vendor distributes a permanent key to the

user upon purchase of the software (Col. 10, lines 32-39), which meets the limitation of said

server transmits an access control code to said user's computer after said purchase request is

successfully processed. This permanent real key is generated using the machine identification

information so that the software can only be utilized by the data processing system having a

configuration identical to that from which the machine identification has been derived (Col. 15,

lines 29-34), which meets the limitation of said access control code based on said selected

information characteristic of said user's computer, and wherein said access control code is

separately stored on said user's computer from said software package.

Referring to claim 42, Cooper discloses that this permanent real key is generated using

the machine identification information so that the software can only be utilized by the data

processing system having a configuration identical to that from which the machine identification

has been derived (Col. 15, lines 29-34), which meets the limitation of said access control code is

a decryption key for said encrypted first object, said decryption key based on said selected

information, and wherein both said decryption key and said selected information must be present

on said user's computer in order to decrypt said first object.

Referring to claim 43, Cooper discloses that the permanent real key is generated using the

machine identification information that is generated on the user computer (Col. 13, lines 34-42)

and a product key that is generated by the vendor (Col. 15, lines 14-16), which meets the

limitation of said decryption key is split into two parts, a second party that is calculated in real

time on said user's computer using said selected information and a first part that is calculated on

said server.

Referring to claim 44, Cooper discloses that this permanent real key is generated using

the machine identification information so that the software can only be utilized by the data

processing system having a configuration identical to that from which the machine identification

has been derived (Col. 15, lines 29-34), which meets the limitation of said access control code is

a decryption executable for said encrypted first object, said decryption executable based on said

selected information, and wherein both said decryption executable and said selected information

must be present on said user's computer in order to decrypt said first software version.

Referring to claim 49, Cooper discloses that the vendor distributes a permanent key to the

user upon purchase of the software (Col. 10, lines 32-39). This permanent real key is generated

using the machine identification information so that the software can only be utilized by the data

processing system having a configuration identical to that from which the machine identification

has been derived (Col. 15, lines 29-34), which meets the limitation of said server inserting

transaction information in said software product as a watermark because the machine

identification information is part of the transaction information and it is utilized as a watermark

by having the software configured to run only on the machine identified by that machine

identification.

13.   Claims 45-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cooper, U.

S. Patent No. 5,598,470, in view of Drake, U.S. Patent No. 6,006,328. Referring to claims 45-47,

Cooper discloses a method for enabling trial use of software products wherein complete

programs are distributed to potential users on computer-accessible memory media (Col. 8, lines

16-18), which meets the limitation of acquiring a first software package comprising a first object,

said first object a full-featured version of at least one software product. The programs are

encrypted so that only upon purchasing can the complete program be utilized (Col. 9, lines 60-61

& Col. 10, lines 32-39), which meets the limitation of said user is denied access to said first

object. The program is encrypted so that trial use of the program can be provided (Col. 7, lines 2-

5 & Col. 8, lines 50-52), which meets the limitation of a second object. The trial use program is

functionally disabled so that the user is unable to perform certain critical features (Col. 12, lines

11-13), which meets the limitation of said second object a further version of said software

product having some, but less than all, of the features of said first object. A file management

program, also on the computer-accessible memory media (Col. 10, lines 3-5), controls the use of

the encrypted software programs (Col. 8, lines 27-62), which meets the limitation of an access

and control portion, said access and control portion affording selective access to any of said first

and second objects, wherein said access and control portion includes usage authorization

information. The file management program also provides a plurality of interface screens which

facilitate interaction between the vendor and the customer (Col. 10, lines 5-11) allowing the user

to purchase the software (Col. 10, lines 32-39 & Figures 8-10b), which meets the limitation of a

notifier providing information required by said user for purchasing rights to said software

product. The limitation of enabling entry of transaction information required for purchase of said

rights is met in Figure 9 in the interface screen showing entry of credit card information and

customer address for shipping. The trial version program is functionally disabled by not allowing

access to critical functions, but access to this trial version is not restricted (Col. 12, lines 11-14).

The user accesses the trial program to determine whether they would like to purchase access to

the complete version (Col. 10, lines 30-39), which meets the limitation of evaluating said second

object whereby said user assesses whether said software product meets said user's requirements.

Cooper does not disclose monitoring for class attacks and dump attacks. Drake discloses a

software security system wherein the operating system is monitored for certain modifications

like pointer table modifications (Col. 6, lines 26-32). It would have been obvious to one of

ordinary skill in the art at the time the invention was made to monitor the user computer systems

of Cooper in order to detect and prevent tampering as taught in Drake (Col. 6, lines 30-31).

Allowable Subject Matter

14.   Claim 7 is objected to as being dependent upon a rejected base claim, but would be

allowable if rewritten in independent form including all of the limitations of the base claim and

any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art does not disclose or make obvious compressing the software package information

in a fashion that conforms to Applicant's macro and micro compression technique that is

described in the specification (pages 17-24) and having been patented in a separate application

(U.S. Patent No. 6,683,546).

Conclusion

15.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Benjamin E. Lanier whose telephone number is 571-272-3805.

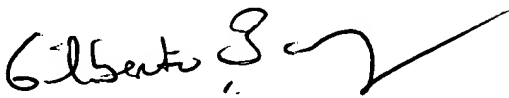The examiner can normally be reached on M-Th 7:30am-5:00pm, F 7:30am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Benjamin E. Lanier

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